

John Boehner
Chairman
8th District, Ohio

*House Meets at 9:00 a.m. and Will Recess Immediately for Former Member's
Association Annual Meeting
Following Meeting, House Will Reconvene at Approximately 10:00 a.m. for
Legislative Business*

Anticipated Floor Action:

H.R. 1377—Savings are Vital to Everyone's Retirement Act

H.R. 1306—Riegle-Neal Clarification Act

H.R. 911—Volunteer Protection Act

H.Res. 121—Sense of Congress Regarding a Terrorist Attack in Cambodia

**H.Con.Res. 63—Sense of Congress Regarding the 50th Anniversary of the
Marshall Plan**

H.R. 956—Drug Free Community Act

H.R. 408—International Dolphin Conservation Program Act



Bills Considered Under Suspension of the Rules

Floor Situation: The House will consider the following six bills under suspension of the rules as its first order of business today. Each is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

H.R. 1377—Savings are Vital to Everyone's Retirement Act creates outreach programs to educate the public about the retirement savings system, and convenes three national summits on retirement savings to explore methods to promote retirement savings. The bill authorizes \$1 million for FY 1998 and such sums as necessary for FY 1999-2002 for the programs established by the bill. The bill requires the Labor Secretary to make efforts to pay for at least half of the cost to convene the national summits through private contributions. CBO estimates that enactment will result in discretionary outlays (i.e., subject to appropriations) of \$6 million over the next five years, and increase revenues by \$500,000 in FY 1998. The bill was introduced by Mr. Fawell et al. and ordered reported by the Education & Workforce Committee by voice vote.

H.R. 1306—Riegle-Neal Clarification Act amends the Federal Deposit Insurance Act to clarify state banking laws and eliminate any ambiguity which exists under current law. H.R. 1306 attempts to provide equality between state-chartered banks and national banks by requiring that (1) the laws of the state in which a branch is located apply to a branch of an out-of-state bank to the same extent that they apply to a branch of a nationally chartered bank; and (2) the out-of-state branch be allowed to exercise the powers granted to it by its home state if a branch of a national bank, or a bank chartered by the host state, is allowed to exercise the same powers. The bill was introduced by Ms. Roukema et al. The Subcommittee on Financial Institutions & Consumer Credit forwarded the bill by voice vote to the Committee on Banking and Financial Services on May 7, 1997, but the full committee did not consider it.

H.R. 911—Volunteer Protection Act creates protections in federal law for nonprofit organizations and for the individuals who help them by volunteering time toward their causes. The bill reforms current civil statutes to protect individuals from being sued for harm incurred by another person in the course of volunteering for a charitable cause. Specifically, the bill (1) stipulates that volunteers will not be held liable for harm caused to a person while the volunteer is acting on behalf of a nonprofit organization or government entity, provided that the harm was not caused by willful, malicious, criminal conduct or intent; (2) preempts existing state laws which, in limiting liability for volunteers, are inconsistent with federal law; (3) restricts how punitive damages may be awarded against volunteers, nonprofit organizations, and government entities in cases where, by clear and convincing evidence, a plaintiff shows that a volunteer acted egregiously—such as with criminal or malicious intent, or vastly outside the scope of his duty as a volunteer—and caused harm as a result; and (4) requires that defendants to a civil lawsuit will be “jointly and severally” liable for economic damages won by an injured plaintiff. The bill also allows noneconomic losses to be included as part of a finding against defendants; however, each defendant is held monetarily responsible *only* for the degree—measured in percentages—to which they were individually responsible for the harm to the plaintiff. Defendants in such a lawsuit include volunteers, nonprofit groups, and government entities. CBO estimates that enactment will have no effect on the federal budget. H.R. 911 was introduced by Mr. Porter and was reported by the Judiciary Committee by a vote of 20-7 on May 13, 1997.

H.Res. 121—Sense of Congress Regarding A Terrorist Attack in Cambodia expresses sympathy to the families of the persons killed or wounded in the March 30, 1997, grenade attack outside the Cambodia National Assembly, and condemns the attack as an act of terrorism detrimental to peace and the development of democracy in Cambodia. The resolution calls upon (1) the U.S. Government to offer to the Cambodian Government all appropriate assistance in identifying and prosecuting those responsible for the attack, (2) the Cambodian Government to accept the assistance and to expeditiously identify and prosecute such individuals, and (3) all Cambodian political parties to renounce and condemn all forms of political violence. The resolution was introduced by Messrs. Horn, Gilman, and Bereuter and was ordered reported by the International Relations Committee by voice vote.

H.Con.Res. 63—Sense of Congress Regarding the 50th Anniversary of the Marshall Plan urges all Americans on the 50th anniversary of the Marshall Plan to reflect upon the commitment of the U.S. to foster peaceful relations and economic prosperity with the countries in Europe. The resolution reaffirms the commitment expressed in the original Marshall Plan (*P.L. 80-472*), which stated that (1) extensive and friendly relations with European nations are vital to the promotion of the general welfare and national interest of the U.S., and (2) the prosperity and security of Europe is

essential to the establishment of lasting peace. The resolution also acknowledges the efforts of those countries which originally participated in the Marshall Plan to assist countries of Central and Eastern Europe and the newly independent republics of the former Soviet Union to develop market economies and democratic political systems. The resolution was introduced by Mr. Lantos et al. and was ordered reported by the International Relations Committee by voice vote.

H.R. 956—Drug-Free Community Act amends the 1988 National Narcotics Leadership Act to establish a program within the Office of National Drug Control Policy to provide matching federal grants to communities that have established sustainable and accountable anti-drug efforts involving every major sector of a community. To be eligible for federal grants, communities must (1) demonstrate a comprehensive and long-term commitment to anti-drug efforts through major community involvement (which includes volunteer participation from youth, parents, businesses, media, schools, law enforcement, health care professionals, and religious leaders) and through a focused mission and targeted strategies; (2) demonstrate that they have non-federal financial support to ensure the efforts are self-sustaining; and (3) have a system to evaluate the success of their efforts, consistent with common indicators. The bill rechannels existing money from the federal drug control budget by authorizing \$143.5 million over the next five years in appropriations to the Office of National Drug Control Policy. The bill also creates an advisory commission to establish the policies and criteria of the program so that the program continues to be responsive to local community needs. H.R. 956 was introduced by Mr. Portman and was reported by the Government Reform & Oversight Committee by voice vote.

Additional Information: See *Legislative Digest*, Vol. XXVI, #14, May 16, 1997.



H.R. 408—International Dolphin Conservation Program Act

Floor Situation: The House will consider H.R. 408 after it completes consideration of the scheduled suspensions. On Tuesday, the Rules Committee granted a modified closed rule providing one hour of general debate, equally divided between the chairman and ranking minority member of the Resources Committee. The rule makes in order a substitute amendment by Mr. Young as base text. The rule also makes in order an amendment—if offered—by Mr. Miller (CA) or a designee, debatable for one hour equally divided between a proponent and an opponent. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 408 amends current law to implement the Declaration of Panama, an international agreement to regulate tuna fishing methods to protect the safety of dolphins and other aquatic life in the eastern tropical Pacific Ocean (ETP). The bill also:

- * declares that it is U.S. policy to support the International Dolphin Conservation Program (IDCP) developed and operated by the Inter-American Tropical Tuna Commission (IATTC);
- * eliminates the current ban on imports of yellowfin tuna from countries that comply with the IDCP;
- * amends the 1992 Dolphin Protection Consumer Information Act by redefining tuna

that may be labeled “dolphin-safe” as any tuna product caught by a fishing method if it is certified that no dolphins died in the process of being caught;

- * limits the number of dolphins that can be killed by tuna fishing in the ETP fishery to 5,000 annually; and
- * amends the 1972 Marine Mammal Protection Act to allow the Department of Commerce to issue permits to U.S. fishermen authorizing the incidental taking of dolphins during commercial yellowfin tuna harvesting.

The manager’s amendment makes two changes to the base text of the bill, as well as a couple of technical and conforming amendments. Specifically, it:

- * makes a couple of minor technical changes related to a bycatch reduction provision in the bill. The measure instructs the State Department to develop a bycatch reduction program in the ETP fishery to release alive all threatened and endangered species, and reduce the harvest and mortality of non-target species and juvenile tuna; and
- * allows hunters to import polar bear “trophies” killed prior to 1994 into the United States from any Canadian province, with certain restrictions. The 1994 law reauthorizing the Marine Mammal Protection Act (MMPA) allowed polar bear trophies to be imported from Canada provided that such bears were killed legally and hunters paid a conservation fee. The Fish & Wildlife Service issued regulations regarding polar bear trophies under MMPA; however, some members of the Resources Committee were concerned that the regulations were too restrictive, allowing the trophies to be imported from only five of 12 Canadian provinces. This language was worked out with the administration and committee Democrats. The provision is effective immediately upon enactment of the bill.

CBO estimates that enactment of H.R. 408 will result in increased discretionary spending of about \$1 million in FY 1998, assuming Congress appropriates funds consistent with the bill’s provisions. In addition, CBO estimates that enacting H.R. 408 could decrease direct spending beginning in FY 1998 by generating additional offsetting receipts from fees on fishing permits. They estimate that any new permit fees would total less than \$100,000 a year over the 1998-2002 period. Finally, based on information from the International Trade Commission (ITC), CBO estimates that the bill will increase governmental receipts by less than \$500,000 annually. The bill was introduced by Mr. Gilchrest, was reported by the Resources Committee by voice vote on April 17, 1997, and adopted by the Ways & Means Committee by a vote of 29-8 on April 30, 1997.

Views (on the overall bill):

Republican Leadership: Supports

Chairman Young: Supports

Chairman Archer: Supports

Clinton Administration: Supports

Amendments: At press time, the *Legislative Digest* was not aware of any amendments to H.R. 408.

Additional Information: See *Legislative Digest*, Vol. XXVI, #14, May 16, 1997.

